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(5/05)

**UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS**

United States of America

vs.

Santiago Arroyo

Docket No.04:cr-10336-NMG

PETITION FOR ACTION ON CONDITIONS OF PRETRIAL RELEASE

The undersigned Pretrial Services Officer presents this report regarding defendant Santiago Arroyo, who was placed under pretrial release supervision by the Honorable Robert B. Collings, on June 30, 2005 under the following conditions:

1. The defendant shall sign a unsecured bond for \$25,000.
2. That the defendant be confined at all times to Coolidge House except when he is permitted to leave for the purposes of employment, Court appearances, and attorneys visits by authorities at Coolidge House
3. The defendant obey all rules and regulations of the Coolidge House.
4. Obtain no passport.
5. Travel restricted to the D/MA and do not leave without Court permission.
6. Avoid all contact with co-defendants, victims and witnesses; No intimidation of potential informants, witnesses, or perform any act which obstruct the judicial process
7. Refrain from possessing a firearm, destructive devices or other dangerous weapons.
8. Refrain from use/possession of illegal drugs or controlled substances.

And respectfully seeks action by the Court and for cause as follows:

Please refer to memorandum dated August 3, 2005

Petition for Action on Conditions of Pretrial Release

PRAYING THE COURT WILL:

 Issue a Warrant

 X Issue a Summons for the defendant to appear for a show cause hearing

 Other:

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on August 3, 2005 Place U.S. Pretrial Services Agency - District of Massachusetts



U.S. Pretrial Services Officer

Date 8.3.05

ORDER OF COURT

 Warrant to Issue

 ✓ Summons to issue. Clerk to schedule show cause hearing.

 Other:

Considered and ordered this 5th day of Aug, 2005, and ordered filed
and made part of the record in the above case.



Judicial Officer



MEMORANDUM

To: Honorable Robert B. Collings, U.S. Magistrate Judge *DA*
cc: Denise J. Casper, AUSA
Elliot M. Weinstein, Counsel for the Defendant
From: David A. Picozzi, U.S. Pretrial Services Officer
Re: Arroyo, Santiago
CR# 04-10336-NMG
Date: August 3, 2005

This memorandum is being submitted to advise Your Honor that the above named defendant violated his conditions of release by testing positive for the use of Marijuana and for violating the policies and procedures of the Coolidge House Residential Program.

On July 6, 2005, the defendant was placed at the Coolidge House Residential Facility at 307 Huntington Avenue in Boston, MA as per Your Honor's release order dated June 30, 2005. In accordance with the facilities procedures for new arrivals Mr. Arroyo submitted to a drug screen (sample # 310484267) which was sent to Knoll Laboratories for testing.

On July 27, 2005, Knoll Laboratories reported that the test sample #310484267 was positive for Marijuana reflecting a nanogram level of 93ng/ml.

July 14, 2005, Mr. Arroyo was authorized to leave the Coolidge House program for the purposes of searching for employment. On that same date Mr. Arroyo failed to return to the program within the authorized time frame. He was thirty eight minutes late.

On this same date Mr. Arroyo submitted to a drug test (# 310491371) that was also sent to Knoll Laboratories for testing.

On July 22, 2005, Knoll Laboratories reported that test sample #310491371 was positive for Marijuana reflecting a nanogram level of 68 ng/ml.

On July 27, 2005, this officer conducted a residential field contact at the Coolidge House Facility. This officer met with Ms. O'Donnell and Mr. Arroyo on that date. When inquired as to the positive test results Mr. Arroyo vehemently denied the use of any illegal narcotics. Mr. Arroyo did admit to conducting unauthorized travel to his sister's residence in Lynn, MA on a day he was allowed out of the program specifically to secure employment opportunities. Mr. Arroyo went on to advise this officer that there were various unidentified people smoking marijuana in his sisters residence during the time he was there. Mr. Arroyo was confrontational and reflected his agitation through his body language and conversation throughout the meeting

Honorable Robert B. Collings

U.S. Magistrate Judge

RE: Arroyo, Santiago

CR#04-10336-NMG

August 3, 2005

This officer had previously advised Mr. Arroyo (at the time of his initial release) that he was obligated to follow all of the policies and procedures of the Coolidge House per the Courts release order. The Coolidge House program (as well as Pretrial Services) views the use and/or possession of illegal narcotics and the unauthorized travel resulting in the defendant being out of place as serious offenses.

For the reasons set forth in this memorandum this officer would respectfully suggest that Mr. Arroyo be brought before the court and made to answer as to why his bail should not be revoked in response to the noted violations.

Reviewed by:

A handwritten signature in black ink, appearing to read 'B. Cronin', is written over a horizontal line.

Basil F. Cronin

Supervising U.S. Pretrial Services Offcier